



NEWS RELEASE
*Office of the
United States Attorney
for the
District of Nebraska*
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June 17, 2010

United States Attorney Deborah R. Gilg and the Lincoln Police Department, the United States Marshal's Service, and the Bureau of Immigration and Customs Enforcement (ICE) announce the following information for the attention of the media:

Event Triggering this Release:

On June 17, 2010, a former Lincoln resident was sentenced to a total of two years in prison for possession with intent to distribute marijuana, possession of a firearm by a drug user or addict, and failure to appear. Erik Osorio received a sentence of 21 months on the drug and gun charges and a consecutive sentence of three months for failure to appear. Osorio was ordered to serve three years on supervised release following the prison terms, but it is likely that Osorio will be deported to Mexico when he completes his prison terms. Osorio was also ordered to forfeit \$930.00 cash to the United States.

Osorio was originally arrested in February of 2006 after Lincoln Police Department Narcotics Officers investigating a Crime Stoppers complaint contacted Osorio at his Lincoln apartment. He allowed them to search the apartment. Officers found a total of 1 ½ pounds of marijuana, marijuana cigarettes, marijuana pipes and rolling papers, electronic scales, plastic bags, a handgun and \$930 cash. Osorio was originally scheduled to enter a guilty plea in January of 2007, but he failed to appear for court, resulting in the filing of the failure to appear charge in February of 2007. In September of 2009, Osorio turned himself in to Border Patrol Agents at the U.S./Mexican border and was returned to the District of Nebraska.

Name of Defendant: Erik Osorio

AKA:

Age: 28

City of residence:

Crime(s) Charged and Potential Penalty (A CHARGE is merely an accusation and every defendant is

presumed innocent until and unless proven guilty): 2006 case: Count I: Possession with intent to distribute less than 50 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1). Count II: Possession of a firearm by an unlawful drug user or drug addict in violation of Title 18, United States Code, Section 922(g)(3). Count III: Forfeiture of \$930 cash used to facilitate the drug charge alleged in Count I or representing proceeds of the drug charge alleged in Count I pursuant to Title 21, United States Code, Section 853. The possible penalty for Count I is up to five years imprisonment and a fine of up to \$250,000. Following any prison term, there would be a term of supervised release of not less than two years. The possible penalty for Count II is up to 10 years imprisonment and a fine of up to \$250,000. Following any prison term, there would be a term of supervised release of up to three years. The possible penalty for Count III is forfeiture of \$930 to the United States.

2007 case: Count I: Failure to appear in violation of Title 18, United States Code, Section 3146(a)(1). The possible penalty is up to 10 years imprisonment and a fine of up to \$250,000. Following any prison term, there would be a term of supervised release of up to three years.

Specific Location of Alleged Crime: Lincoln

Location of Arrest: 2006: Lincoln, 2009: El Paso, Texas

Alleged Dollar Loss/Type and Quantity of Drug: Officers found a total of 685.15 grams (approximately 24 ounces or 1 ½ pounds) of marijuana packaged in six plastic bags and one plastic container in Osorio's apartment.

Others Charged in Same Scheme: none

Relevant Dates:

Date of Alleged Crime: Marijuana/firearm case: February 7, 2006; Failure to appear case: January 25, 2007

Federal Arrest Date: March 23, 2006, and September 23, 2009

Date Complaint Issued:

Indictment Returned Date: March 22, 2006, and February 22, 2007

Initial Appearance Date: March 24, 2006, and November 13, 2009

Plea or Trial and Date(s): Osorio entered guilty pleas in both cases on March 30, 2010

Sentencing Date: June 17, 2010

Next Court Hearing Type and Date: none

Assigned Magistrate Judge: The Honorable David L. Piester (retired)

Held without Bond, or Released from Custody: Osorio was released on conditions on March 24, 2006 and failed to appear for court on January 25, 2007.

In Continuous Custody Since: September 23, 2009

Assigned District Court Judge: The Honorable Richard G. Kopf

Initials of Assigned AUSA/Preparer of THIS Release: SEF